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To: Supervisor Michael D. Antonovich, Mayor
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai 
Interim Chief Executive Officer

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Fifth District

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on the following:

- **Pursuit of County Position to Co-Sponsor Legislation.** The County Welfare Directors Association (CWDA) will pursue two legislative proposals for co-sponsorship with the County relating to: 1) notice of dependency hearings by electronic mail as a voluntary pilot program for counties, courts and individuals; and 2) reports of non-emergent child abuse and neglect through an online system under a voluntary pilot program for counties. Therefore, unless otherwise directed by the Board, consistent with existing policies to support proposals that simplify Welfare and Institutions Code statutes regarding the notice of dependency hearings; and policies to support legislation to streamline Dependency Court procedures; and support proposals which expand and enhance the technology used by child welfare agencies, **the Sacramento advocates will pursue co-sponsorship of legislation with CWDA to: 1) allow notice of dependency hearings by electronic mail as a voluntary pilot program for counties, courts and individuals; and 2) allow reports of non-emergent child abuse and neglect to be made through an online system under a voluntary pilot program for counties.**

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Pursuit of County Position to Co-Sponsor Legislation

The County Welfare Directors Association (CWDA) will be pursuing two legislative proposals for co-sponsorship with the County relating to: 1) notice of dependency hearings by electronic mail as a voluntary pilot program for counties, courts and individuals; and 2) reports of non-emergent child abuse and neglect through an online system under a voluntary pilot program for counties.

Notice of Dependency Hearings by Electronic Mail Proposal

This proposal would amend Welfare and Institutions Code (WIC) notice statutes to create a voluntary pilot program for counties and the courts to provide notice by electronic mail (e-mail) to parties in dependency cases. Under the proposal, counties, courts and individuals would be allowed to opt-in to an electronic notice system; this would permit an individual to receive notice of scheduled dependency court hearings electronically through a designated e-mail address, and allow counties and their courts to design and tailor appropriate systems.

Under current law, there is no provision within WIC notice statutes to allow for notices to parties for dependency cases to be sent electronically, and service of process is required through mail or publication. Existing law uses a rising slope of notice complexity depending on the consequences of each hearing. When the child welfare agency has only 72 hours to bring a case to court, the code permits notice to be verbal or written. If the dependency court conducts a jurisdictional hearing, the child welfare agency can give notice via first class mail if the child was not removed from parental custody and the parents were at the hearing, or by certified mail, return receipt requested if the child was retained in custody or the parents were not present.

For statutory review hearings, current law permits notice via first class mail. However, if the parents fail to reunify with their children, and a hearing is set for possible adoption, the law requires personal service, unless the parent was present at the last hearing and ordered back. Under those circumstances first class mail may be used. If the parents' whereabouts are unknown to the child welfare agency, they may be served via counsel of record, if any, by certified mail, return receipt requested with follow-up first class mail to any known grandparents. If the parents do not have counsel, and the agency provides proof of a diligent search, the agency may publish notice in a newspaper. Providing notice by publication requires a child welfare agency to first complete a due diligence search for the party, then have notice published in the newspaper once per week for four weeks.

This proposal would allow counties and courts to have the option of providing notice by e-mail, and the recipient's decision to opt-in to receipt of electronic notice would also be voluntary. For those parties or counsel who decline to accept electronic notice, all current notice provisions would be required to be met.

The Department of Children and Family Services (DCFS) and County Counsel indicate that this proposal would facilitate and improve the successful delivery of notice to parties who lack a permanent address or who move frequently. Additionally, DCFS and County Counsel note that this proposal would help provide more effective notice to other groups, such as nonminor dependents and transition age youth who may be residing at a temporary address, including college dormitories.

Furthermore, in Los Angeles County, on average, 30 dependency hearings per day are conducted in 20 courtrooms, leading to approximately 12,000 hearings per month. DCFS and County Counsel indicate that this legislative proposal, if enacted, would modernize the process of providing notice in child welfare proceedings, help ensure parties receive actual notice and help provide more timely permanence, stability and safety for children.

Online System for Receipt of Child Abuse Reports Proposal

This proposal would allow specified mandated reporters to make initial reports of non-emergent child abuse or neglect to the Child Protection Agency through an online report. These non-emergent reports would be in lieu of telephonic reports when the agency operates an online child abuse and neglect reporting system. Under the proposal, a voluntary pilot program would be created in geographical areas identified by the California Department of Social Services and CWDA for participating counties included in the pilot program.

Existing law under Penal Code Section 11166 requires a mandated reporter to make an initial report of child abuse or neglect to the Child Protection Agency by telephone. Additionally, the mandated reporter is required to prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident, among other provisions.

Currently, there are nine states (Arizona, Delaware, Florida, Kansas, Kentucky, Mississippi, Nevada, Tennessee and Texas) operating online child abuse and neglect reporting systems, according to Casey Family Programs. States that have implemented online child abuse and neglect reporting systems have noted increased efficiencies, and

multiple jurisdictions indicated that online reports are processed faster than telephonic reports. In addition, mandated reporters do not have to wait on hold to submit a report and can submit at any time. Jurisdictions that have adopted online child abuse and neglect reporting have typically used it for processing non-emergent reports and continue to require requests for emergent service to be made by telephone.

Specifically, this proposal would amend existing law to permit certain groups of mandated reporters, including social workers, law enforcement personnel, school employees and healthcare workers, to make initial reports of non-emergent child abuse and neglect to the Child Protection Agency through an online child abuse and neglect reporting system in lieu of telephonic contact. The online child abuse and neglect reporting system, which would be a voluntary program for counties, would clearly delineate the types of non-emergent cases that could be reported electronically. Drop down choices would be available to the mandated reporter to collect all necessary information and would ensure that information fields could not be left blank, among other factors. The online system would specifically exclude emergency situations that would continue to require a telephonic abuse referral.

The Department of Children and Family Services indicates that child welfare agencies continue to grapple with significant increases in the volume of child abuse and neglect reports being made telephonically, with approximately 200,000 calls per year to the County's Child Protection Hotline alone. According to DCFS, mandated reporters in the fields of law enforcement, medicine, and education are currently requesting an online reporting option for hotline calls in the County for non-emergent reports. DCFS and County Counsel indicate that allowing non-emergent child abuse and neglect reports to be made through an online report would greatly improve system efficiency by reducing hold times for callers during peak hours and by reducing processing time for reports.

Conclusion

The two above legislative proposals for co-sponsorship with CWDA are consistent with existing policies to: 1) support proposals that simplify Welfare and Institutions Code statutes regarding the notice of dependency hearings; 2) support legislation to streamline Dependency Court procedures while ensuring the safety and best interests of children; and 3) support proposals which expand and enhance the technology used by child welfare agencies to improve child safety. **Therefore, unless otherwise directed by the Board, the Sacramento advocates will pursue co-sponsorship of legislation with CWDA to: 1) allow notice of dependency hearings by electronic**

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**mail as a voluntary pilot program for counties, courts and individuals; and
2) allow reports of non-emergent child abuse and neglect to be made through an
online system under a voluntary pilot program for counties.**

We will continue to keep you advised.

SAH:RA
MR:OR:ma

c: All Department Heads
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